Remarks

Favorable reconsideration of this application is respectfully requested. Claims 1, 2, 9-15, 19, and 25 were examined. Claims 3-6, 8, 16-18, and 20-24 are withdrawn from consideration.

Claims 1 and 25 are amended to features presented in original claim 15. Claim 19 is revised as a result of the revisions made to claim 1. Claims 15-18 and 20-24 are canceled without prejudice or disclaimer. No new matter has been added. Claims 1-6, 8-14, 19, and 25 are pending.

Claim Rejections under 35 U.S.C. § 103

Claims 1-2, 9-15, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (WO99/43719) in view of Bandou et al (WO03/029355). Reconsideration of the rejection is respectfully requested.

Claim 1 is directed to a curable composition that includes among other features, 100 parts by weight of a poly(meth) acrylate (I) having at least one crosslinkable functional group represented by the general formula $-OC(O)C(R^{13})=CH_2$, and from 0.1 to 10 parts by weight of a surface tack modifier (II), which is an aliphatic carboxylic acid ester. Claim 25 is a method of improving the surface tack of cured product reciting substantially similar features as the curable composition of claim 1.

Applicants respectfully submit that claim 1 is not obvious in view of Nakagawa et al. and Bandou et al. Nakagawa et al. discloses a curable composition comprising a vinyl polymer having at least one group represented by the general formula: $-OC(O)C(R)=CH_2$ at a molecular end. However, Nakagawa et al. fails to disclose or suggest a surface tack modifier as required by claim 1.

Bandou at al. discloses a curable composition comprising a polymer having a crosslinkable hydrolyzable silyl group and a phyllosilicate. Bandou at al. discloses that a compound having a melting point of 40 to 75°C, which is selected from the group consisting of amine compounds, amide compounds and fatty acid esters, may make the contamination resistance high and that the compound is not particularly limited as long as its melting point is within the range of 40 to 75°C. Examples of amine compounds include stearylamine and examples of fatty acid esters include stearyl stearate.

The Office Action states that it would have been obvious to add fatty acid esters such as stearyl stearate in the curable composition of Nakagawa et al. in order to improve contamination resistance. Applicants respectfully disagree.

Bandou et al. teaches that stearyl stearate would be equivalent, for their purposes, to stearylamine, which is used in Examples 24 to 26. Indeed, Bandou et al. does not recognize a distinction between the reported amine compounds, amide compounds and fatty acid esters. However, as shown in the Kotani Declaration under Rule 132, provided herewith, stearyl stearate significantly suppresses surface tack of the cured product (see e.g. Example 36 in the Declaration), when used with the poly(meth)acrylate (I) of the present invention, while stearylamine does not (see e.g. Comparative Examples 8 and 9). Thus, contrary to the teachings of Bandou et al., stearyl stearate and stearyl amine are shown to be not equivalent in the context of the invention of claim 1.

Moreover, there is no suggestion from Bandou et al. that using the reported compounds would obtain such results of improving surface tack, when added to poly(meth)acrylate (I) polymer, as Bandou et al. employs a different process and polymer. For example, Bandou et al. use a polymer having a hydrolysable silyl group which is cured by condensation, while the present invention uses a polymer having the crosslinkable functional group $-OC(O)C(R^{13})=CH_2$ which is cured by radical polymerization. Thus, even if Nakagawa et al. and Bandou et al. could be combined, which Applicants do not concede, there is no suggestion that the effect of an aliphatic carboxylic acid ester as a surface tack modifier is recognized in the references or would be obtained.

For at least the foregoing reasons, claims 1 and 25 and the dependent claims do not follow from Nakagawa et al. and Bandou et al. Favorable reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully request favorable reconsideration of this application in the form of a Notice of Allowance. If any questions arise regarding this communication, the Examiner is invited to contact Applicants' representative listed below.

Respectfully submitted,

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